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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,067	03/22/2001	Daisuke Matsubara	16869B023900	2693

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EXAMINER	
RYMAN, DANIEL J	
ART UNIT	**PAPER NUMBER**
2665	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/816,067	MATSUBARA ET AL.	
	Examiner	Art Unit	
	Daniel J. Ryman	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. The indicated allowability of claims 2-11 is withdrawn in view of the newly discovered reference(s) to Kabie et al. (USPN 6,795,445). Rejections based on the newly cited reference(s) follow.

2. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kabie et al. (USPN 6,795,445).

5. Regarding claim 1, Kabie discloses a data network for communicating data between a sender unit and a receiver unit, comprising: a core network (ref. 12) including relay elements (ref. 14) intercoupled by data links (ref. 16) (Figs. 1A, 1B and col. 4, lines 49-67); a gateway element (ref. 20: edge node) coupled to the core network and to the sender unit (ref. 24), the receiver unit (ref. 24) being coupled to the core network (Figs. 1A, 1B and col. 4, lines 49-67), the gateway element having at least one information table (core topology database) identifying at least one route from the gateway element through the core network to the receiver unit, including

data links which constitute the at least one route (tunnel) (col. 1, lines 47-49 and col. 4, lines 44-48), allocations of predetermined communication resources of the data links (TBM and SBM) (col. 10, lines 1-31), and status of the one or more data links (TBM and SBM) (col. 10, lines 1-31).

6. Regarding claim 2, Kabie discloses a method of management of data communication through a core network between a sender unit and a receiver unit that includes the steps of: defining at least one communicative route (tunnel/label-switched-path) through the core network (ref. 12) between the sender unit (ref. 24) and the receiver unit (ref. 24) that includes a plurality of network links (ref. 16) that each have a predetermined communication resource (Figs. 1A, 1B and col. 4, lines 49-67); coupling the sender unit and the receiver unit to the core network with a sending and receiving gateway element (ref. 20: edge node), respectively (Figs. 1A, 1B and col. 4, lines 49-67); allocating to the sending gateway element a first portion of the predetermined communication resource of at least certain of the network links forming a communicative route between the sending and receiving gateway elements (col. 2, lines 58-65), and maintaining at the sending gateway element information indicative of the allocated predetermined communication resource (TBM and SBM) (col. 10, lines 1-31); receiving at the sending gateway element a request from the sender unit for a data transfer across the route, the request including a specification of requested communication resource (Fig. 9; col. 9, lines 1-3; and col. 10, lines 1-31) where "a requested bandwidth" requires that the request include a specification of the requested communication resource; the sending gateway checking the information to grant the request if the communicating capacity of the communicative route is available (col. 9, lines 1-3 and col. 10, lines 1-31).

7. Regarding claim 3, Kabie discloses allocating a second portion of the predetermined communication resource of the certain of the network links (col. 2, lines 10-13 and col. 10, lines 1-31) where each label switched path can be apportioned among multiple tunnels.

8. Regarding claim 4, Kabie discloses that the step of checking the information includes reconfiguring the predetermined communicative resource of the certain of the network links and re-allocate at least a portion of the communicative resource allocated to the receiving gateway element to the sending gateway element (col. 7, lines 30-47 and col. 10, lines 1-31).

9. Regarding claim 5, Kabie discloses that predetermined communication resource is a communication bandwidth (col. 10, lines 1-3).

10. Regarding claim 6, Kabie discloses that the predetermined communication resource includes a communication bandwidth (col. 10, lines 1-3).

11. Regarding claim 7, Kabie discloses a method of admission control of data to a core network having a number of relay nodes interconnected by data links, each of the data communicating links having a predetermined data communication capacity, the method including the steps of: communicatively coupling sending and receiving gateway elements (ref. 20: edge node) to the core network (ref. 12) (Figs. 1A, 1B and col. 4, lines 49-67); connecting first and second data transfer elements (ref. 14) to the sending and receiving gateway elements, respecting, for data communication by a route through the core network containing certain of the data links (Figs. 1A, 1B and col. 4, lines 49-67); assigning first and second portions of the data communication capacity of at least the certain of the data links to the sending and receiving gateway elements, respectively (col. 10, lines 1-31); providing the sending gateway element with information indicative of the first portion (col. 10, lines 1-31); the sending gateway element

responding to a request for data communication of a requested capacity from the first data transfer element by checking the information, and granting the request if the communication capacity of the certain data links is at least equal to or greater than the requested capacity (col. 10, lines 1-31).

12. Regarding claim 8, Kabie discloses that the sending step includes re-assigning at least a part of the second portion to the first portion of the data communication capacity of at least one of the certain data links (col. 10, lines 1-31).

13. Regarding claim 9, Kabie discloses the step of providing the receiving gateway element with information indicative of the second portion (col. 10, lines 1-31).

14. Regarding claim 10, Kabie discloses that the step of re-assigning includes decreasing the information indicative of the second portion by the part of the second portion re-assigned to the first portion (col. 7, lines 30-47 and col. 10, lines 1-31).

15. Regarding claim 11, Kabie discloses that the step of re-assigning includes increasing the information indicative of the first portion by the part of the second portion re-assigned to the first portion (col. 7, lines 30-47 and col. 10, lines 1-31).

16. Regarding claim 12, Kabie discloses a system for providing a QoS communication route from a first communicating entity to a second communicating entity through a core network that includes a plurality of network links, each network link having a predetermined communication resource, the system including: a sending gateway element (ref. 20: edge node) and a receiving gateway element (ref. 20: edge node) respectively coupling the first and second communicating entities (ref. 24) to the core network (ref. 12) (Figs. 1A, 1B and col. 4, lines 49-67); assigning the sending gateway element a first portion of the predetermined communication resource of at least

certain of the network links forming a communicative route between the sending and receiving gateway elements (col. 10, lines 1-31), and maintaining at the sending gateway element information indicative of the allocated predetermined communication resource (col. 10, lines 1-31); receiving at the sending gateway element a request from the sender unit for a data transfer across the route, the request including a specification of requested communication resource (Fig. 9 and col. 9, lines 1-3) where "a requested bandwidth" requires that the request include a specification of the requested communication resource; the sending gateway checking the information to grant the request if the communicating capacity of the communicative route is available (col. 9, lines 1-3 and col. 10, lines 1-31).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel J. Ryman
Examiner
Art Unit 2665

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